

104TH CONGRESS
1ST SESSION

S. 797

To provide assistance to States and local communities to improve adult education and family literacy, to help achieve the National Educational Goals for all citizens, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 11 (legislative day, MAY 1), 1995

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To provide assistance to States and local communities to improve adult education and family literacy, to help achieve the National Educational Goals for all citizens, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the “Adult Education and
- 4 Family Literacy Reform Act of 1995”.

1 TITLE I—AMENDMENT TO THE ADULT
2 EDUCATION ACT AMENDMENT

3 SECTION 1. The Adult Education Act (20 U.S.C.
4 1201 et seq.; hereinafter referred to as “the Act”) is
5 amended in its entirety to read as follows:

6 “SHORT TITLE; TABLE OF CONTENTS

7 “SEC. 101. (a) SHORT TITLE.—This Act may be
8 cited as the ‘Adult Education and Family Literacy Act’.

9 “(b) TABLE OF CONTENTS.—The table of contents
10 for this Act is as follows:

“TABLE OF CONTENTS

“Sec. 1. Short title; table of contents.

“Sec. 2. Findings; purpose.

“Sec. 3. Authorization of appropriations.

“TITLE I—ADULT EDUCATION AND FAMILY LITERACY

“Sec. 101. Program authority; priorities.

“Sec. 102. State grants for adult education and family literacy.

“Sec. 103. State leadership activities.

“Sec. 104. Even Start Family Literacy Program.

“Sec. 105. State administration.

“Sec. 106. State plan.

“Sec. 107. Subgrants to eligible applicants.

“Sec. 108. Applications from eligible applicants.

“Sec. 109. State performance goals and indicators.

“Sec. 110. Evaluation, improvement, and accountability.

“Sec. 111. Allotments; reallocation.

“TITLE II—NATIONAL LEADERSHIP

“Sec. 201. National leadership activities.

“Sec. 202. Awards for national excellence.

“Sec. 203. National Institute for Literacy.

“TITLE III—GENERAL PROVISIONS

“Sec. 301. Waivers.

“Sec. 302. Definitions.

1 “FINDINGS; PURPOSE

2 “SEC. 2. (a) FINDINGS.—The Congress finds the fol-
3 lowing:

4 “(1) Our Nation’s well-being is dependent on
5 the knowledge, skills, and abilities of all of its citi-
6 zens.

7 “(2) Advances in technology and changes in the
8 workplace are rapidly increasing the knowledge and
9 skill requirements for workers.

10 “(3) Our social cohesion and success in combat-
11 ting poverty, crime, and disease also depend on the
12 Nation’s having an educated citizenry.

13 “(4) The success of State and local educational
14 reforms supported by the Goals 2000: Educate
15 America Act and other programs that State and
16 local communities are implementing requires that
17 parents be well educated and possess the ability to
18 be a child’s first and most continuous teacher.

19 “(5) There is a strong relationship between
20 educational attainment and welfare dependence.
21 Adults with very low levels of literacy are ten times
22 as likely to be poor as those with high levels of lit-
23 eracy.

24 “(6) Studies, including the National Adult Lit-
25 eracy Survey, have found that more than one-fifth of

1 American adults demonstrate very low literacy skills
2 that make it difficult for them to enter high-skill,
3 high-wage jobs, to assist effectively in their chil-
4 dren's education, or to carry out their responsibil-
5 ities as citizens.

6 “(7) National studies have also shown that ex-
7 isting federally supported adult education programs
8 have assisted many adults in acquiring basic literacy
9 skills, learning English, or acquiring a high school
10 diploma (or its equivalent), and family literacy pro-
11 grams have shown great potential for breaking the
12 intergenerational cycle of low literacy and having a
13 positive effect on later school performance and high
14 school completion, especially for children from low-
15 income families.

16 “(8) Current adult education programs, how-
17 ever, are often narrowly focused on specific popu-
18 lations or methods of service delivery, have conflict-
19 ing or overlapping requirements, and are not admin-
20 istered in an integrated manner, thus inhibiting the
21 capacity of State and local officials to implement
22 programs that meet the needs of individual States
23 and localities.

24 “(9) The President's GI Bill for America's
25 Workers, of which this Act is a key component, will

1 help strengthen the capacity of States, educational
2 institutions, and businesses, working together, to up-
3 grade the skills and literacy levels of youth and
4 adults.

5 “(10) The Federal Government can, through a
6 performance partnership with States and localities
7 based on clear State-developed goals and indicators,
8 increased State and local flexibility, improved ac-
9 countability and incentives for performance, and en-
10 hanced consumer choice and information, assist
11 States and localities with the improvement and ex-
12 pansion of their adult education and family literacy
13 programs.

14 “(11) The Federal Government can also assist
15 States and localities by carrying out research, devel-
16 opment, demonstration, dissemination, evaluation,
17 capacity-building, data collection, professional devel-
18 opment, and technical assistance activities that sup-
19 port State and local efforts to implement success-
20 fully services and activities that are funded under
21 this Act, as well as adult education and family lit-
22 eracy activities supported with non-Federal re-
23 sources.

24 “(b) PURPOSE.—(1) It is the purpose of this Act to
25 create a performance partnership with States and local-

ities for the provision of adult education and family literacy services so that, as called for in the National Education Goals, all adults who need such services will, as appropriate, be able to—

“(A) become literate and obtain the knowledge and skills needed to compete in a global economy and exercise the rights and responsibilities of citizenship;

“(B) complete a high school education;

“(C) become and remain actively involved in their children’s education in order to ensure their children’s readiness for, and success in, school.

“(2) This purpose shall be pursued through—

“(A) building on State and local education reforms supported by the Goals 2000: Educate America Act and other Federal and State legislation;

“(B) consolidating numerous Federal adult education and literacy programs into a single, flexible grant;

“(C) tying local programs to challenging State-developed performance goals that are consistent with the purpose of this Act;

“(D) holding States and localities accountable for achieving such goals;

1 “(E) building program quality through such
 2 measures as encouraging greater use of new tech-
 3 nologies in adult education and family literacy pro-
 4 grams and better professional development of edu-
 5 cators working in those programs;

6 “(F) integrating adult education and family lit-
 7 eracy programs with States’ school-to-work opportu-
 8 nities systems, career preparation education services
 9 and activities, job training programs, early childhood
 10 and elementary school programs, and other related
 11 activities; and

12 “(G) supporting the improvement of State and
 13 local activities through nationally significant efforts
 14 in research, development, demonstration, dissemina-
 15 tion, evaluation, capacity-building, data collection,
 16 professional development, and technical assistance.

17 “AUTHORIZATION OF APPROPRIATIONS

18 “SEC. 3. (a) STATE GRANTS FOR ADULT EDUCATION
 19 AND FAMILY LITERACY.—For the purpose of carrying out
 20 this Act there are authorized to be appropriated
 21 \$490,487,000 for fiscal year 1996 and such sums as may
 22 be necessary for each of the fiscal years 1997 through
 23 2005.

24 “(b) RESERVATIONS.—(1) Except as provided in
 25 paragraph (2), from the amount appropriated for any fis-
 26 cal year under subsection (a), the Secretary may reserve—

3 “(B) not more than 3 percent to carry out sec-
4 tions 201 and 203; and

5 “(C) not more than \$5,000,000 for Even Start
6 family literacy programs for migratory families and
7 Indian families under section 104(c).

8 “(2) The Secretary may reserve funds under para-
9 graph (1)(A) beginning in fiscal year 1998.

10 “TITLE I—ADULT EDUCATION AND FAMILY
11 LITERACY

12 “PROGRAM AUTHORITY; PRIORITIES

13 “SEC. 101. (a) PROGRAM AUTHORIZED.—In order to
14 prepare adults for family, work, citizenship, and job train-
15 ing, and adults and their children for success in future
16 learning, funds under this title shall be used to support
17 the development, implementation, and improvement of
18 adult education and family literacy programs at the State
19 and local levels.

20 “(b) PROGRAM PRIORITIES.—In using funds under
21 this title, States and local recipients shall give priority
22 to—

23 “(1) services and activities designed to ensure
24 that all adults have the opportunity to achieve to
25 challenging State performance standards for literacy

1 proficiency, including basic literacy, English lan-
2 guage proficiency, and completion of high school or
3 its equivalent;

4 “(2) services and activities designed to enable
5 parents to prepare their children for school, enhance
6 their children’s language and cognitive abilities, and
7 promote their own career advancement; and

8 “(3) adult education and family literacy pro-
9 grams that—

10 “(A) are built on a strong foundation of
11 research and effective educational practices;

12 “(B) effectively employ advances in tech-
13 nology, as well as learning in the context of
14 family, work, and the community;

15 “(C) are staffed by well-trained instruc-
16 tors, counselors, and administrators;

17 “(D) are of sufficient intensity and dura-
18 tion for participants to achieve substantial
19 learning gains;

20 “(E) establish strong links with elementary
21 and secondary schools, postsecondary institu-
22 tions, one-stop career centers, job-training pro-
23 grams, and social service agencies; and

24 “(F) offer flexible schedules and, when
25 necessary, support services to enable people, in-

1 cluding adults with disabilities or other special
2 needs, to attend and complete programs.

3 “STATE GRANTS FOR ADULT EDUCATION AND FAMILY
4 LITERACY

5 “SEC. 102. (a) STATE GRANT.—From the funds
6 available for State grants under section 3 for each fiscal
7 year, the Secretary shall, in accordance with section 111,
8 make a grant to each State that has an approved State
9 plan under section 106, to assist that State in developing,
10 implementing, and improving adult education and family
11 literacy programs within the State.

12 “(b) RESERVATION OF FUNDS.—From the amount
13 awarded to a State for any fiscal year under subsection
14 (a), the State—

15 “(1) may use up to 5 percent, or \$80,000,
16 whichever is greater, for the cost of administering its
17 program under this title;

18 “(2) may use up to 10 percent for leadership
19 activities under section 103;

20 “(3)(A) may, beginning in fiscal year 1998, use
21 up to 5 percent for financial incentives or awards to
22 one or more eligible recipients in recognition of—

23 “(i) exemplary quality or innovation in
24 adult education or family literacy services and
25 activities; or

1 “(ii) exemplary services and activities for
2 individuals who are most in need of such serv-
3 ices and activities, or are hardest to serve, such
4 as adults with disabilities or other special
5 needs; or

6 “(iii) both.

7 “(B) The incentives or awards made under sub-
8 paragraph (A) shall be determined by the State
9 through a peer review process, using the perform-
10 ance goals and indicators described in section 109
11 and, if appropriate, other criteria; and

12 “(4) shall use the remainder for subgrants to
13 eligible applicants under section 107, except that at
14 least 25 percent of the remainder shall be used for
15 Even Start family literacy programs under section
16 104, unless the State demonstrates in its State plan
17 under section 106, to the satisfaction of the Sec-
18 retary, that it will otherwise meet the needs of indi-
19 viduals in the State for family literacy programs in
20 a manner that is consistent with the purpose of this
21 Act.

22 “(c) FEDERAL SHARE.—(1) The Federal share of ex-
23 penditures to carry out a State plan under section 106
24 shall be paid from the State’s grant under subsection (a).

1 “(2) The Federal share shall be no greater than 75
2 percent of the cost of carrying out the State plan for each
3 fiscal year, except that with respect to Guam, American
4 Samoa, the Virgin Islands, and the Northern Mariana Is-
5 lands the Federal share may be 100 percent.

6 “(3) The State’s share of expenditures to carry out
7 a State plan submitted under section 106 may be in cash
8 or in kind, fairly evaluated, and may include only non-
9 Federal funds that are used for adult education and family
10 literacy activities in a manner that is consistent with the
11 purpose of this Act.

12 “(d) MAINTENANCE OF EFFORT.—(1) A State may
13 receive funds under this title for any fiscal year only if
14 the Secretary finds that the aggregate expenditures of the
15 State for adult education and family literacy by such State
16 for the preceding fiscal year were not less than 90 percent
17 of such aggregate expenditures for the second preceding
18 fiscal year.

19 “(2) The Secretary shall reduce the amount of the
20 allocation of funds under section 111 for any fiscal year
21 in the exact proportion to which a State fails to meet the
22 requirement of paragraph (1) by falling below 90 percent
23 of the aggregate expenditures for adult education and
24 family literacy for the second preceding fiscal year.

1 “(3) The Secretary may waive the requirements of
 2 this subsection if the Secretary determines that a waiver
 3 would be equitable due to exceptional or uncontrollable cir-
 4 cumstances, such as a natural disaster or a precipitous
 5 decline in the financial resource of the State.

6 “(4) No lesser amount of State expenditures under
 7 paragraphs (2) and (3) may be used for computing the
 8 effort required under paragraph (1) for subsequent years.

9 “STATE LEADERSHIP ACTIVITIES

10 “SEC. 103. (a) STATE LEADERSHIP.—Each State
 11 that receives a grant under section 102(a) for any fiscal
 12 year shall use funds reserved for State leadership under
 13 section 102(b)(2) to conduct activities of Statewide signifi-
 14 cance that develop, implement, or improve programs of
 15 adult education and family literacy, consistent with its
 16 State plan under section 106.

17 “(b) USES OF FUNDS.—States shall use funds under
 18 subsection (a) for one or more of the following—

19 “(1) professional development and training;

20 “(2) disseminating curricula for adult education
 21 and family literacy programs;

22 “(3) monitoring and evaluating the quality of,
 23 and improvement in, services and activities con-
 24 ducted with assistance under this title, including es-
 25 tablishing performance goals and indicators under

1 section 109(a), in order to assess program quality
2 and improvement;

3 “(4) establishing State content standards for
4 adult education and family literacy programs;

5 “(5) establishing challenging State performance
6 standards for literacy proficiency;

7 “(6) promoting the integration of literacy in-
8 struction and occupational skill training, and link-
9 ages with employers;

10 “(7) promoting the use of and acquiring in-
11 structional and management software and tech-
12 nology;

13 “(8) establishing or operating State or regional
14 adult literacy resource centers;

15 “(9) developing and participating in networks
16 and consortia of States that seek to establish and
17 implement adult education and family literacy pro-
18 grams that have significance to the State or region,
19 and may have national significance; and

20 “(10) other activities of Statewide significance
21 that promote the purposes of this Act.

22 “EVEN START FAMILY LITERACY PROGRAMS

23 “SEC. 104. (a) EVEN START GRANTS.—Each State
24 that receives a grant under section 102(a) for any fiscal
25 year shall use funds reserved under section 102(b)(4) to

1 award subgrants to partnerships described in subsection
2 (b)(5) to carry out Even Start family literacy programs.

3 “(b) PROGRAM ELEMENTS.—An Even Start family
4 literacy program shall—

5 “(1) provide opportunities (including opportuni-
6 ties for home-based instructional services) for joint
7 participation by parents or guardians (including par-
8 ents or guardians who are within the State’s com-
9 pulsory school attendance age range, so long as a
10 local educational agency provides, or ensures the
11 availability of, their basic education), other family
12 members, and children;

13 “(2) provide developmentally appropriate child-
14 hood education for children from birth through age
15 seven;

16 “(3) identify and recruit families that are most
17 in need of family literacy services, as indicated by
18 low levels of income and adult literacy (including
19 limited English proficiency), and such other need-re-
20 lated indicators as may be appropriate;

21 “(4) enable participants, including individuals
22 with disabilities or other special needs, to succeed
23 through services and activities designed to meet
24 their needs, such as support services and flexible
25 class schedules; and

1 “(5) except as provided in subsection (c), be op-
 2 erated by a partnership composed of—

3 “(A) one or more local educational agen-
 4 cies; and

5 “(B) one or more community-based organi-
 6 zations, institutions of higher education, private
 7 non-profit organizations, or public agencies (in-
 8 cluding correctional institutions or agencies)
 9 other than local educational agencies.

10 “(c) MIGRATORY AND INDIAN FAMILIES.—From
 11 funds reserved under section 3(b)(1)(C) for any fiscal
 12 year, the Secretary shall, under such terms and conditions
 13 as the Secretary shall establish, support Even Start family
 14 literacy programs through grants to, or cooperative agree-
 15 ments with—

16 “(1) eligible applicants under section 107(b) for
 17 migratory families; and

18 “(2) Indian tribes and tribal organizations for
 19 Indian families.

20 “STATE ADMINISTRATION

21 “SEC. 105. (a) DESIGNATED STATE AGENCY OR
 22 AGENCIES.—A State desiring to receive a grant under sec-
 23 tion 102(a) shall, consistent with State law, designate an
 24 education agency or agencies that shall be responsible for
 25 the administration of services and activities under this
 26 title, including—

9 “(3) coordination with other State and Federal
10 education, training, employment, and social service
11 programs, and one-stop career centers.

18 “STATE PLAN

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1 “(2) The State may submit its State plan as part
2 of a comprehensive plan that includes State plan provi-
3 sions under one or more of the following statutes: section
4 14302 of the Elementary and Secondary Education Act
5 of 1965; the Carl D. Perkins Career Preparation Edu-
6 cation Act of 1995; the Goals 2000: Educate America Act;
7 the Job Training Partnership Act, and the School-to-Work
8 Opportunities Act of 1994.

9 “(b) PLAN ASSESSMENT.—In developing its State
10 plan, and any revisions to the State plan under subsection
11 (e), the State shall base its plan or revisions on a recent,
12 objective assessment of—

13 “(1) the needs of individuals in the State for
14 adult education and family literacy programs, in-
15 cluding individuals most in need or hardest to serve
16 (such as educationally disadvantaged adults and
17 families, recent immigrants, individuals with limited
18 English proficiency, incarcerated individuals, home-
19 less individuals, recipients of public assistance, and
20 individuals with disabilities);

21 “(2) the capacity of programs and providers to
22 meet those needs, taking into account the priorities
23 under section 101 and the State’s performance goals
24 under section 109(a).

1 “(c) PUBLIC PARTICIPATION.—In developing its
2 State plan, and any revisions under subsection (e), the
3 State shall consult widely with individuals, agencies, orga-
4 nizations, and institutions in the State that have an inter-
5 est in the provision and quality of adult education and
6 family literacy, including—

7 “(1) individuals who currently participate, or
8 who want to participate, in adult education and fam-
9 ily literacy programs;

10 “(2) practitioners and experts in adult edu-
11 cation and family literacy, social services, and
12 workforce development; and

13 “(3) representatives of business and labor.

14 “(d) PLAN CONTENTS.—The plan shall be in such
15 form and contain such information and assurances as the
16 Secretary may require, and shall include—

17 “(1) a summary of the methods used to conduct
18 the assessment under subsection (b) and the find-
19 ings of that assessment;

20 “(2) a description of how, in addressing the
21 needs identified in the State’s assessment, funds
22 under this title will be used to establish adult edu-
23 cation and family literacy programs, or improve or
24 expand current programs, that will lead to high-

1 quality learning outcomes, including measurable
2 learning gains, for individuals in such programs;

3 “(3) a statement of the State’s performance
4 goals and indicators established under section 109,
5 or, in the first plan, a description of how the State
6 will establish such performance goals and indicators;

7 “(4) a description of the criteria the State will
8 use to award funds under this title to eligible appli-
9 cants under section 107, including how the State
10 will ensure that its selection of applicants to operate
11 programs assisted under this title will reflect the
12 findings of program evaluations carried out under
13 section 110(a);

14 “(5) a description of how the State will inte-
15 grate services and activities under this Act, includ-
16 ing planning and coordination of programs, with
17 those of other agencies, institutions, and organiza-
18 tions involved in adult education and family literacy,
19 such as the public school system, early childhood
20 education programs, social service agencies, busi-
21 ness, labor unions, libraries, institutions of higher
22 education, public health authorities, vocational edu-
23 cation and special education programs, one-stop ca-
24 reer centers, and employment or training programs,

1 in order to ensure effective use of funds and to avoid
2 duplication of services;

3 “(6) a description of the leadership activities
4 the State will carry out under section 103;

5 “(7) any comments the Governor may have on
6 the State plan; and

7 “(8) assurances that—

8 “(A) the State will comply with the re-
9 quirements of this Act and the provisions of the
10 State plan;

11 “(B) the State will use such fiscal control
12 and accounting procedures as are necessary for
13 the proper and efficient administration of this
14 title; and

15 “(C) programs funded under this title will
16 be of such size, scope, and quality as to give re-
17 alistic promise of furthering the purpose of this
18 Act.

19 “(e) PLAN REVISIONS.—When changes in conditions
20 or other factors require substantial modifications to an ap-
21 proved State plan, the designated State agency or agencies
22 shall submit a revision to the plan to the Secretary. Such
23 a revision shall be approved by the designated State agen-
24 cy or agencies.

1 “(f) PLANNING YEAR.—(1) For fiscal year 1996
2 only, a State may submit a one year State plan to the
3 Secretary that either satisfies the specific requirements of
4 this section or describes how the State will complete the
5 development of its State plan with respect to those specific
6 requirements within the following year. A State may use
7 funds reserved under section 102(b)(2) to complete the de-
8 velopment of its State plan.

9 “(2) A one year State plan under this subsection
10 shall—

11 “(A) be developed in accordance with subsection
12 (c); and

13 “(B) contain the assurances described in sub-
14 section (d)(8).

15 “(3) In order to receive a grant under section 102(a)
16 for fiscal year 1997, a State that submits a one year State
17 plan under this subsection shall submit a four year State
18 plan that covers fiscal year 1997 and the three succeeding
19 fiscal years.

20 “(g) CONSULTATION.—The designated State agency
21 or agencies shall—

22 “(1) submit the State plan, and any revision to
23 the State plan, to the Governor for review and com-
24 ment; and

1 “(2) ensure that any comments the Governor
2 may have are included with the State plan, or revi-
3 sion, when the State plan, or revision, is submitted
4 to the Secretary.

5 “(h) PLAN APPROVAL.—(1) The Secretary shall ap-
6 prove a State plan, or a revision to an approved State
7 plan, if it meets the requirements of this section and is
8 of sufficient quality to meet the purpose of this Act, and
9 shall not finally disapprove a State plan, or a revision to
10 an approved State plan, except after giving the State rea-
11 sonable notice and an opportunity for a hearing.

12 “(2) The Secretary shall establish a peer review proc-
13 ess to make recommendations regarding approval of State
14 plans and revisions to the State plans.

15 “SUBGRANTS TO ELIGIBLE APPLICANTS

16 “SEC. 107. (a) AUTHORITY.—(1) From funds avail-
17 able under section 102(b)(4), States shall make subgrants
18 to eligible applicants under subsection (b) to develop, im-
19 plement, and improve adult education and family literacy
20 programs within the State.

21 “(2) To the extent practicable, States shall make
22 multi-year subgrants under this section.

23 “(b) ELIGIBILITY.—(1) Except as provided for
24 subgrants for Even Start family literacy programs under
25 section 104, the following entities shall be eligible to apply
26 to the State for a subgrant under this section:

1 “(A) local educational agencies;

2 “(B) community-based organizations;

3 “(C) institutions of higher education;

4 “(D) public and private nonprofit agencies (in-
5 cluding State and local welfare agencies, corrections
6 agencies, public libraries, and public housing au-
7 thorities); and

8 “(E) consortia of such agencies, organizations,
9 institutions, or partnerships, including consortia that
10 include one or more for-profit agencies, organiza-
11 tions, or institutions, if such agencies, organizations,
12 or institutions can make a significant contribution to
13 attaining the objectives of this Act.

14 “(2) Each State receiving funds under this title shall
15 ensure that all eligible applicants described under sub-
16 section (b)(1) receive equitable consideration for subgrants
17 under this section.

18 “APPLICATIONS FROM ELIGIBLE APPLICANTS

19 “SEC. 108. (a) APPLICATION.—Any eligible applicant
20 under sections 104(a) or 107(b)(1) that desires a subgrant
21 under this title shall submit an application to the State
22 containing such information and assurances as the State
23 may reasonably require, including—

24 “(1) a description of the applicant’s current
25 adult education and family literacy programs, if any;

1 “(2) a description of how funds awarded under
2 this title will be spent;

3 “(3) a description of how the applicant’s pro-
4 gram will help the State address the needs identified
5 in the State’s assessment under section 106(b)(1);

6 “(4) the projected goals of the applicant with
7 respect to participant recruitment, retention, and
8 educational achievement, and how the applicant will
9 measure and report to the State regarding the infor-
10 mation required in section 110(a); and

11 “(5) any cooperative arrangements the appli-
12 cant has with others (including arrangements with
13 social service agencies, one-stop career centers, busi-
14 ness, industry, and volunteer literacy organizations)
15 that have been made to deliver adult education and
16 family literacy programs.

17 “(b) FUNDING.—In determining which applicants re-
18 ceive funds under this title, the State shall—

19 “(1) give preference to those applicants that
20 serve local areas with high concentrations of individ-
21 uals in poverty or with low levels of literacy (includ-
22 ing English language proficiency), or both; and

23 “(2) consider—

24 “(A) the results of the evaluations required
25 under section 110(a), if any; and

1 “(B) the degree to which the applicant will
 2 coordinate with and utilize other literacy and
 3 social services available in the community.

4 “STATE PERFORMANCE GOALS AND INDICATORS

5 “SEC. 109. (a) STATE-ESTABLISHED PERFORMANCE
 6 GOALS AND INDICATORS.—Any State desiring to receive
 7 a grant under section 102(a), in consultation with individ-
 8 uals, agencies, organizations, and institutions described in
 9 section 106(c), shall—

10 “(1) identify performance goals that define the
 11 level of student achievement to be attained by adult
 12 education and family literacy programs, and express
 13 such goals in an objective, quantifiable, and measur-
 14 able form;

15 “(2) identify performance indicators that State
 16 and local recipients will use in measuring or assess-
 17 ing progress toward achieving such goals; and

18 “(3) by July 1, 1997, ensure that the State
 19 performance indicators include, at least—

20 “(A) achievement in linguistic skills, in-
 21 cluding English language skills;

22 “(B) receipt of a high school diploma or its
 23 equivalent;

24 “(C) entry into a postsecondary school, job
 25 training program, employment, or career ad-
 26 vancement; and

1 “(D) successful transition of children to
2 school.

3 “(b) TRANSITION.—Except as provided in subsection
4 (a)(3), each State receiving funds under this title may con-
5 tinue to use the indicators of program quality it developed
6 under section 331(a)(2) of the Adult Education Act as in
7 effect before the date of enactment of the Adult Education
8 and Family Literacy Reform Act of 1995, to the extent
9 that they are consistent with the State’s performance
10 goals.

11 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
12 provide technical assistance to States regarding the devel-
13 opment of the State’s performance goals and indicators
14 under subsection (a). Notwithstanding any other provision
15 of law, the Secretary may use funds reserved under section
16 3(b)(1)(B) to provide technical assistance under this sec-
17 tion.

18 “EVALUATION, IMPROVEMENT, AND ACCOUNTABILITY

19 “SEC. 110. (a) LOCAL EVALUATION.—Each recipient
20 of a subgrant under this title shall biennially evaluate,
21 using the performance goals and indicators established
22 under section 109, the programs supported under this title
23 and report to the State regarding the effectiveness of its
24 programs in addressing the priorities under section 101
25 and the needs identified in the State assessment under
26 section 106(b)(1).

1 “(b) IMPROVEMENT ACTIVITIES.—If a State deter-
2 mines, based on the applicable performance goals and indi-
3 cators established under section 109 and the evaluations
4 under subsection (a), that a subgrant recipient is not mak-
5 ing substantial progress in achieving the purpose of this
6 Act, the State may work jointly with the local recipient
7 to develop an improvement plan. If, after not more than
8 two years of implementation of the improvement plan, the
9 State determines that the recipient is not making substan-
10 tial progress, the State shall take whatever corrective ac-
11 tion it deems necessary, which may include termination
12 of funding or the implementation of alternative service ar-
13 rangements, consistent with State law. The State shall
14 take corrective action under the preceding sentence only
15 after it has provided technical assistance to the recipient
16 and shall ensure that any corrective action it takes allows
17 for continued services and activities to the recipient’s stu-
18 dents.

19 “(c) STATE REPORT.—The State shall biennially re-
20 port to the Secretary on the quality and effectiveness of
21 the adult education and family literacy programs funded
22 through its subgrants under this title, based on the per-
23 formance goals and indicators under section 109(a) and
24 the needs identified in the State assessment under section
25 106(b)(1).

1 “(d) TECHNICAL ASSISTANCE.—If the Secretary de-
 2 termines that the State is not properly implementing its
 3 responsibilities under subsection (b), or is not making sub-
 4 stantial progress in meeting the purpose of this Act, based
 5 on its performance goals and indicators under section
 6 109(a), the Secretary shall work with the State to imple-
 7 ment improvement activities.

8 “(e) WITHHOLDING OF FEDERAL FUNDS.—If, after
 9 a reasonable time, but not earlier than one year after im-
 10 plementing activities described in subsection (d), the Sec-
 11 retary determines that the State is not making sufficient
 12 progress, based on its performance goals and indicators
 13 under section 109(a), the Secretary shall, after notice and
 14 opportunity for a hearing, withhold from the State all, or
 15 a portion, of the State’s allotment under this title. The
 16 Secretary may use funds withheld under the preceding
 17 sentence to provide, through alternative arrangements,
 18 services and activities within the State that meet the pur-
 19 poses of this Act.

20 “ALLOTMENTS; REALLOTMENT

21 “SEC. 111. (a) ALLOTMENT TO STATES.—(1) Sub-
 22 ject to subsection (b), from the funds available under sec-
 23 tion 102(a) for each fiscal year, the Secretary shall allot
 24 to each State—

25 “(A) a sum that bears the same ratio to one-
 26 half that amount as the number of individuals in the

1 State who are 16 years of age or older and not en-
2 rolled, or required to be enrolled, in secondary school
3 and who do not possess a high school diploma or its
4 equivalent, bears to the number of such individuals
5 in all the States; and

6 “(B) a sum that bears the same ratio to one-
7 half that amount as the number of individuals in the
8 State who are 18 years of age or older and who are
9 living at or below poverty bears to the number of
10 such individuals in all the States.

11 “(2)(A) The Secretary shall allot to the Common-
12 wealth of Puerto Rico an amount equal to 2.95 percent
13 of the funds available under section 102(a) for each fiscal
14 year.

15 “(B) For the purpose of this subsection, the term
16 ‘State’ shall be deemed to exclude the Commonwealth of
17 Puerto Rico.

18 “(3) The numbers of individuals specified in para-
19 graph (1) shall be determined by the Secretary on the
20 basis of the latest estimates available to the Department
21 that are satisfactory to the Secretary.

22 “(b) HOLD-HARMLESS.—(1) Notwithstanding any
23 other provision of law and subject to paragraph (2)—

24 “(A) for fiscal year 1996, no State shall receive
25 under title I of this Act less than 90 percent of the

1 sum of the payments made to the State for the fiscal
2 year 1995 for programs authorized by section 313 of
3 the Adult Education Act, section 1202 of the Ele-
4 mentary and Secondary Education Act of 1965, and
5 sections 202(c)(1)(C) and 262(c)(1)(C) of the Job
6 Training Partnership Act, as they were in effect
7 prior to the enactment of the Adult Education and
8 Family Literacy Reform Act of 1995; and

9 “(B) for fiscal year 1997, no State shall receive
10 under title I of this Act less than 90 percent of the
11 amount it received under title I for fiscal year 1996.

12 “(2) If for any fiscal year the amount available for
13 allotment under this section is insufficient to satisfy the
14 provisions of paragraph (1), the Secretary shall ratably
15 reduce the payments to all States for such services and
16 activities as necessary.

17 “(c) REALLOTMENT.—If the Secretary determines
18 that any amount of a State’s allotment under this section
19 for any fiscal year will not be required for carrying out
20 the program for which such amount has been allotted, the
21 Secretary shall make such amount available for reallocot-
22 ment to one or more other States on a basis that the Sec-
23 retary determines would best serve the purposes of this
24 Act. Any amount reallocated to a State under this sub-

1 section shall be deemed to be part of its allotment for the
2 fiscal year in which it is obligated.

3 “(d) REPORT.—The Secretary shall, by September
4 30, 2000—

5 “(1) conduct a study to determine the availabil-
6 ity and reliability of statistical data on the number
7 of immigrants and limited English proficient individ-
8 uals in each State; and

9 “(2) report to the Congress on the feasibility
10 and advisability of including such populations as fac-
11 tors in the formula under subsection (a)(1).

12 “TITLE II — NATIONAL LEADERSHIP

13 “NATIONAL LEADERSHIP ACTIVITIES

14 “SEC. 201. (a) AUTHORITY.—From the amount re-
15 served under section 3(b)(1)(B) for any fiscal year, the
16 Secretary is authorized to establish a program of national
17 leadership and evaluation activities to enhance the quality
18 of adult education and family literacy nationwide.

19 “(b) METHOD OF FUNDING.—The Secretary may
20 carry out national leadership and evaluation activities di-
21 rectly or through grants, contracts, and cooperative agree-
22 ments.

23 “(c) USES OF FUNDS.—Funds used under this sec-
24 tion may be used for—

25 “(1) research and development;

1 “(2) demonstration of model and innovative
2 programs;

3 “(3) dissemination;

4 “(4) evaluations and assessments, including
5 independent assessments of services and activities
6 assisted under this Act and of the condition and
7 progress of literacy in the United States;

8 “(5) capacity building at the State and local
9 levels;

10 “(6) data collection;

11 “(7) professional development;

12 “(8) technical assistance; and

13 “(9) other activities designed to enhance the
14 quality of adult education and family literacy nation-
15 wide.

16 “AWARDS FOR NATIONAL EXCELLENCE

17 “SEC. 202. The Secretary may, from the amount re-
18 served under section 3(b)(1)(A) for any fiscal year after
19 fiscal year 1997, and through a peer review process, make
20 performance awards to one or more States that have—

21 “(1) exceeded in an outstanding manner their
22 performance goals under section 109(a);

23 “(2) made exemplary progress in developing,
24 implementing, or improving their adult education
25 and family literacy programs in accordance with the
26 priorities described in section 101; or

1 “(3) provided exemplary services and activities
2 for those individuals within the State who are most
3 in need of adult education and family literacy serv-
4 ices, or are hardest to serve.

5 “NATIONAL INSTITUTE FOR LITERACY

6 “SEC. 203. (a) PURPOSE.—The National Institute
7 for Literacy shall—

8 “(1) provide national leadership;

9 “(2) coordinate literacy services; and

10 “(3) be a national resource for adult education
11 and family literacy, by providing the best and most
12 current information available and supporting the
13 creation of new ways to offer improved services.

14 “(b) ESTABLISHMENT.—(1) There shall be a Na-
15 tional Institute for Literacy (in this section referred to as
16 the “Institute”). The Institute shall be administered
17 under the terms of an interagency agreement entered into
18 by the Secretary with the Secretary of Labor and the Sec-
19 retary of Health and Human Services (in this section re-
20 ferred to as the “Interagency Group”). The Secretary may
21 include in the Institute any research and development cen-
22 ter, institute, or clearinghouse established within the De-
23 partment of Education whose purpose is determined by
24 the Secretary to be related to the purpose of the Institute.

25 “(2) The Interagency Group shall consider the rec-
26 ommendations of the National Institute for Literacy Advi-

1 sory Board (the ‘Board’) under subsection (e) in planning
2 the goals of the Institute and in the implementation of
3 any programs to achieve such goals. The daily operations
4 of the Institute shall be carried out by the Director.

5 “(c) DUTIES.—(1) In order to provide leadership for
6 the improvement and expansion of the system for delivery
7 of literacy services, the Institute is authorized, to—

8 “(A) establish a national electronic data base of
9 information that disseminates information to the
10 broadest possible audience within the literacy and
11 basic skills field, and that includes—

12 “(i) effective practices in the provision of
13 literacy and basic skills instruction, including
14 the integration of such instruction with occupa-
15 tional skills training;

16 “(ii) public and private literacy and basic
17 skills programs and Federal, State, and local
18 policies affecting the provision of literacy serv-
19 ices at the national, State, and local levels;

20 “(iii) opportunities for technical assistance,
21 meetings, conferences, and other opportunities
22 that lead to the improvement of literacy and
23 basic skills services; and

1 “(iv) a communication network for literacy
2 programs, providers, social service agencies, and
3 students;

4 “(B) coordinate support for the provision of lit-
5 eracy and basic skills services across Federal agen-
6 cies and at the State and local levels;

7 “(C) coordinate the support of research and de-
8 velopment on literacy and basic skills in families and
9 adults across Federal agencies, especially with the
10 Office of Educational Research and Improvement,
11 and carry out basic and applied research and devel-
12 opment on topics that are not being investigated by
13 other organizations or agencies;

14 “(D) collect and disseminate information on
15 methods of advancing literacy that show great prom-
16 ise;

17 “(E) work with the National Education Goals
18 Panel, assist local, State, and national organizations
19 and agencies in making and measuring progress to-
20 wards the National Education Goals, as established
21 by Public Law 103–227;

22 “(F) coordinate and share information with na-
23 tional organizations and associations that are inter-
24 ested in literacy and workforce development; and

1 “(G) inform the development of policy with re-
2 spect to literacy and basic skills.

3 “(2) The Institute may enter into contracts or coop-
4 erative agreements with, or make grants to, individuals,
5 public or private institutions, agencies, organizations, or
6 consortia of such institutions, agencies, or organizations
7 to carry out the activities of the Institute. Such grants,
8 contracts, or agreements shall be subject to the laws and
9 regulations that generally apply to grants, contracts, or
10 agreements entered into by Federal agencies.

11 “(d) LITERACY LEADERSHIP.—(1) The Institute
12 may, in consultation with the Board, award fellowships,
13 with such stipends and allowances that the Director con-
14 siders necessary, to outstanding individuals pursuing ca-
15 reers in adult education or literacy in the areas of instruc-
16 tion, management, research, or innovation.

17 “(2) Fellowships awarded under this subsection shall
18 be used, under the auspices of the Institute, to engage
19 in research, education, training, technical assistance, or
20 other activities to advance the field of adult education or
21 literacy, including the training of volunteer literacy provid-
22 ers at the national, State, or local level.

23 “(3) The Institute, in consultation with the Board,
24 is authorized to award paid and unpaid internships to in-

1 individuals seeking to assist in carrying out the Institute's
 2 mission and to accept assistance from volunteers.

3 “(e) NATIONAL INSTITUTE FOR LITERACY ADVISORY
 4 BOARD.—(1)(A) There shall be a National Institute for
 5 Literacy Advisory Board (the ‘Board’), which shall consist
 6 of 10 individuals appointed by the President.

7 “(B) The Board shall comprise individuals who are
 8 not otherwise officers or employees of the Federal Govern-
 9 ment and who are representative of such entities as—

10 “(i) literacy organizations and providers of lit-
 11 eracy services, including nonprofit providers, provid-
 12 ers of English as a second language, programs and
 13 services, social service organizations, and providers
 14 receiving assistance under this Act;

15 “(ii) businesses that have demonstrated interest
 16 in literacy programs;

17 “(iii) literacy students, including those with dis-
 18 abilities;

19 “(iv) experts in the area of literacy research;

20 “(v) State and local governments; and

21 “(vi) organized labor.

22 “(2) The Board shall—

23 “(A) make recommendations concerning the ap-
 24 pointment of the Director and staff of the Institute;
 25 and

1 “(B) provide independent advice on the oper-
2 ation of the Institute.

3 “(3)(A) Appointments to the Board made after the
4 date of enactment of the ‘Adult Education and Family
5 Literacy Reform Act of 1995’ shall be for three-year
6 terms, except that the initial terms for members may be
7 established at one, two, or three years in order to establish
8 a rotation in which one-third of the members are selected
9 each year.

10 “(B) Any member appointed to fill a vacancy occur-
11 ring before the expiration of the term for which the mem-
12 ber’s predecessor was appointed shall be appointed only
13 for the remainder of that term. A member may serve after
14 the expiration of that members’ term until a successor has
15 taken office.

16 “(4) The Chairperson and Vice Chairperson of the
17 Board shall be elected by the members.

18 “(5) The Board shall meet at the call of the Chair-
19 person or a majority of its members.

20 “(f) GIFTS, BEQUESTS, AND DEVISES.—(1) The In-
21 stitute may accept, administer, and use gifts or donations
22 of services, money, or property, whether real or personal,
23 tangible or intangible.

24 “(2) The responsible official shall establish written
25 rules setting forth the criteria to be used by the Institute

1 in determining whether the acceptance of contributions of
2 services, money, or property whether real or personal, tan-
3 gible or intangible services would reflect unfavorably upon
4 the ability of the Institute or any employee to carry out
5 its responsibilities or official duties in a fair and objective
6 manner, or would compromise the integrity or the appear-
7 ance of the integrity of its programs or any official in-
8 volved in those programs.

9 “(g) **MAILS.**—The Board and the Institute may use
10 the United States mails in the same manner and under
11 the same conditions as other departments and agencies of
12 the United States.

13 “(h) **STAFF.**—The Interagency Group, after consid-
14 ering recommendations made by the Board, shall appoint
15 and fix the pay of a Director.

16 “(i) **APPLICABILITY OF CERTAIN CIVIL SERVICE**
17 **LAWS.**—The Director and staff of the Institute may be
18 appointed without regard to the provisions of title 5,
19 United States Code, governing appointments in the com-
20 petitive service, and may be paid without regard to the
21 provisions of chapter 51 and subchapter III of chapter 53
22 of that title relating to classification and General Schedule
23 pay rates, except that an individual so appointed may not
24 receive pay in excess of the annual rate of basic pay pay-
25 able for level IV of the Executive Schedule.

1 “(j) EXPERTS AND CONSULTANTS.—The Institute
 2 may procure temporary and intermittent services under
 3 section 3109(b) of title 5, United States Code.

4 “(k) REPORT.—The Institute shall submit a biennial
 5 report to the Interagency Group and the Congress.

6 “(l) FUNDING.—Any amounts appropriated to the
 7 Secretary, the Secretary of Labor, the Secretary of Health
 8 and Human Services, or any other department that par-
 9 ticipates in the Institute for purposes that the Institute
 10 is authorized to perform under this section may be pro-
 11 vided to the Institute for such purposes.

12 “TITLE III—GENERAL PROVISIONS

13 “WAIVERS

14 “SEC. 301. (a)(1) REQUEST FOR WAIVER.—Any
 15 State may request, on its own behalf or on behalf of a
 16 local recipient, a waiver by the Secretary of Education,
 17 the Secretary of the Interior, or the Secretary of Labor,
 18 as appropriate, of one or more statutory or regulatory pro-
 19 visions described in subsection (c) in order to carry out
 20 adult education and family literacy programs under
 21 title I more effectively.

22 “(2) An Indian tribe or tribal organization may re-
 23 quest a waiver by a Secretary described in subsection
 24 (a)(1), as appropriate, of one or more statutory or regu-
 25 latory provisions described in subsection (c) in order to

1 carry out an Even Start family literacy program under
2 section 104(c) more effectively.

3 “(b) GENERAL AUTHORITY.—(1) Except as provided
4 in subsection (d), a Secretary described in subsection
5 (a)(1) may waive any requirement of a statute listed in
6 subsection (c), or of the regulations issued under that stat-
7 ute, for a State that requests such a waiver—

8 “(A) if, and only to the extent that, the Sec-
9 retary determines that such requirement impedes the
10 ability of the State or a subgrant recipient under
11 title I to carry out adult education and family lit-
12 eracy programs or activities in an effective manner;

13 “(B) if the State waives, or agrees to waive,
14 any similar requirements of State law;

15 “(C) if, in the case of a statewide waiver, the
16 State—

17 “(i) has provided all subgrant recipients of
18 assistance under this title I in the State with
19 notice of, and an opportunity to comment on,
20 the State’s proposal to request a waiver; and

21 “(ii) has submitted the comments of such
22 recipients to the Secretary; and

23 “(D) if the State provides such information as
24 the Secretary reasonably requires in order to make
25 such determinations.

1 “(2) A Secretary shall act promptly on any request
2 submitted under paragraph (1).

3 “(3) Each waiver approved under this subsection
4 shall be for a period not to exceed five years, except that
5 a Secretary may extend such period if the Secretary deter-
6 mines that the waiver has been effective in enabling the
7 State to carry out the purpose of this Act.

8 “(c) EDUCATION PROGRAMS.—(1) The statutes sub-
9 ject to the waiver authority of the Secretary of Education
10 under this section are—

11 “(A) this Act;

12 “(B) part A of title I of the Elementary and
13 Secondary Education Act of 1965 (authorizing pro-
14 grams and activities to help disadvantaged children
15 meet high standards);

16 “(C) part B of title II of the Elementary and
17 Secondary Education Act of 1965 (Dwight D. Eisen-
18 hower Professional Development Program);

19 “(D) title VI of the Elementary and Secondary
20 Education Act of 1965 (Innovative Education Pro-
21 gram Strategies);

22 “(E) part C of title VII of the Elementary and
23 Secondary Education Act of 1965 (Emergency Im-
24 migrant Education Program);

1 “(F) the School-to-Work Opportunities Act of
2 1994, but only with the concurrence of the Secretary
3 of Labor; and

4 “(G) the Carl D. Perkins Career Preparation
5 Education Act of 1995.

6 “(2) The Secretary of Interior may waive under this
7 section the provisions of part B of the Education Amend-
8 ments of 1978.

9 “(3) The statutes subject to the waiver authority of
10 the Secretary of Labor under this section are—

11 “(A) the Job Training Partnership Act; and

12 “(B) the School-to-Work Opportunities Act of
13 1994, but only with the concurrence of the Secretary
14 of Education.

15 “(d) WAIVERS NOT AUTHORIZED.—A Secretary may
16 not waive any statutory or regulatory requirement of the
17 programs listed in subsection (c) relating to—

18 “(1) the basic purposes or goals of the affected
19 programs;

20 “(2) maintenance of effort;

21 “(3) comparability of services;

22 “(4) the equitable participation of students at-
23 tending private schools;

24 “(5) parental participation and involvement;

1 “(6) the distribution of funds to States or to
2 local recipients;

3 “(7) the eligibility of an individual for partici-
4 pation in the affected programs;

5 “(8) public health or safety, labor standards,
6 civil rights, occupational safety and health, or envi-
7 ronmental protection; or

8 “(9) prohibitions or restrictions relating to the
9 construction of buildings or facilities.

10 “(e) TERMINATION OF WAIVERS.—A Secretary shall
11 periodically review the performance of any State or local
12 recipient for which the Secretary has granted a waiver
13 under this section and shall terminate such waiver if the
14 Secretary determines that the performance of the State
15 affected by the waiver has been inadequate to justify a
16 continuation of the waiver, or the State fails to waive simi-
17 lar requirements of State law in accordance with sub-
18 section (b)(1)(B).

19 “DEFINITIONS

20 “SEC. 302. For the purpose of this Act—

21 “(1) the term ‘adult’ means an individual who
22 is 16 years of age, or beyond the age of compulsory
23 school attendance under State law, and who is not
24 enrolled, or required to be enrolled, in secondary
25 school;

1 “(2) the term ‘adult education’ means services
2 or instruction below the college level for adults
3 who—

4 “(A) lack sufficient education or literacy
5 skills to enable them to function effectively in
6 society; or

7 “(B) do not have a certificate of gradua-
8 tion from a school providing secondary edu-
9 cation and who have not achieved an equivalent
10 level of education;

11 “(3) the term ‘community-based organization’
12 means a private nonprofit organization that is rep-
13 resentative of a community or significant segments
14 of a community and that provides education, voca-
15 tional rehabilitation, job training, or internship serv-
16 ices and programs;

17 “(4) the term ‘family literacy program’ means
18 a program that integrates adult education, parenting
19 education, and early childhood education into a uni-
20 fied set of services and activities for low-income fam-
21 ilies that are most in need of such services and ac-
22 tivities, and that is designed to help break the cycle
23 of intergenerational poverty and undereducation;

24 “(5) the terms ‘Indian tribes’ and ‘tribal orga-
25 nizations’ have the meaning given such terms in sec-

1 tion 3 of the Indian Self-Determination and Edu-
2 cation Assistance Act;

3 “(6) the term ‘individual of limited English pro-
4 ficiency’ means an adult or out-of-school youth who
5 has limited ability in speaking, reading, writing, or
6 understanding the English language and—

7 “(A) whose native language is a language
8 other than English; or

9 “(B) who lives in a family or community
10 environment where a language other than Eng-
11 lish is the dominant language;

12 “(7) the term ‘institution of higher education’
13 means any such institution as defined by section
14 1201(a) of the Higher Education Act of 1965;

15 “(8) the term ‘literacy’ means an individual’s
16 ability to read, write, and speak in English, and
17 compute and solve problems at levels of proficiency
18 necessary to function on the job and in society, to
19 achieve one’s goals, and develop one’s knowledge and
20 potential;

21 “(9) the term ‘local educational agency’ means
22 a public board of education or other public authority
23 legally constituted within a State for either adminis-
24 trative control or direction of, or to perform a serv-
25 ice function for, public elementary or secondary

1 schools in a city, county, township, school district, or
2 other political subdivision of a State, or such com-
3 bination of school districts or counties as are recog-
4 nized in a State as an administrative agency for its
5 public elementary or secondary schools, except that,
6 if there is a separate board or other legally con-
7 stituted local authority having administrative control
8 and direction of adult education in public schools
9 therein, such term means such other board or au-
10 thority;

11 “(10) the term ‘migratory family’ means a fam-
12 ily with a migratory child as defined in section
13 1309(2) of the Elementary and Secondary Edu-
14 cation Act of 1965;

15 “(11) the term ‘public housing authority’ means
16 a public housing agency, as defined in 42 U.S.C.
17 1437a(b)(6), that participates in public housing, as
18 defined in 42 U.S.C. 1437a(b)(1).

19 “(12) except under section 301, the term ‘Sec-
20 retary’ means the Secretary of Education; and

21 “(13) except as provided in section
22 111(a)(2)(B), the term ‘State’ means each of the 50
23 States and the District of Columbia, the Common-
24 wealth of Puerto Rico, Guam, American Samoa, the
25 Northern Mariana Islands, and the Virgin Islands.”.

1 TITLE II—EFFECTIVE DATE; TRANSITION

2 EFFECTIVE DATE

3 SEC. 201. This Act shall take effect on July 1, 1996.

4 TRANSITION

5 SEC. 202. Notwithstanding any other provisions of
6 law—

7 (1) upon enactment of the Adult Education and
8 Family Literacy Reform Act of 1995, a State or
9 local recipient of funds under the Adult Education
10 Act, the Even Start Family Literacy Programs of
11 the Elementary and Secondary Education Act of
12 1965, and sections 202(c)(1)(C) and 262(c)(1)(C) of
13 the Job Training Partnership Act, as they were in
14 effect prior to the enactment of the Adult Education
15 and Family Literacy Reform Act of 1995, may use
16 any such unexpended funds to carry out services and
17 activities that are authorized by those statutes or
18 the Adult Education and Family Literacy Act; and

19 (2) a State or local recipient of funds under the
20 Adult Education and Family Literacy Act for the
21 fiscal year 1996 may use such funds to carry out
22 services and activities that are authorized by either
23 such Act or were authorized by the Adult Education
24 Act, the Even Start Family Literacy Programs of
25 the Elementary and Secondary Education Act of
26 1965, and sections 202(c)(1)(C) and 262(c)(1)(C) of

1 the Job Training Partnership Act, as they were in
 2 effect prior to the enactment of the Adult Education
 3 and Family Literacy Reform Act of 1995.

4 TITLE III—REPEALS OF OTHER ACTS

5 REPEALS

6 SEC. 301 (a) EVEN START.—Part B of title I of the
 7 Elementary and Secondary Education Act of 1965 (20
 8 U.S.C. 6361 et seq.) is repealed.

9 (b) NATIONAL LITERACY ACT.—The National Lit-
 10 eracy Act of 1991 (20 U.S.C. 1201 et seq.) is repealed.

11 (c) GRANTS TO STATES FOR WORKPLACE AND COM-
 12 MUNITY TRANSITION TRAINING FOR INCARCERATED
 13 YOUTH OFFENDERS.—Part E of title X of the Higher
 14 Education Act of 1965 (20 U.S.C. 1135g) is repealed.



S 797 IS—2

S 797 IS—3

S 797 IS—4